

EXHIBIT K



December 16, 2010

Robert H. Reckers

VIA E-MAIL

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Re: *Oracle USA, Inc. et al. v. Rimini Street, Inc. and Seth Ravin*
Case No. 2:10-cv-0106-LRH-PAL (D. Nev. filed Jan. 25th, 2010)

Dear Ms. Palumbo:

I write regarding your letter of December 7, 2010. As an initial matter, Rimini agrees that certain queries seem to generate excessive results. Accordingly, we will agree to revise a number of queries in an effort to reduce the number of returned results, as set forth below. Additionally, we agree that certain queries, as formulated, seem to generate unintended results. We will therefore agree to withdraw a number of queries.

That being said, many of your positions are troubling. For instance, while Query Nos. 1-3 appear to generate excessive results (generating 211,000, 570,000, and 718,000 results, respectively), Query Nos. 7-10 do not appear at all unreasonable (generating 14,200, 16,500, 16,000, and 26,700 results, respectively). These are not excessive numbers of documents for any litigation, and seem particularly reasonable in this case, which Oracle itself has characterized as involving “extensive” and “very substantial” discovery. *Stipulated Discovery Plan & Proposed Scheduling Order*, Doc. No. 51 at 3

Perhaps most concerning, however, is Oracle’s refusal to perform a number of queries on the basis that they “appear designed to locate documents that are not responsive to any Rimini document request to which Oracle has agreed to produce documents.” The queries you apply this reasoning to, however, would clearly produce documents responsive to numerous Rimini requests. This being the case, the basis for your refusal cannot be that Rimini has not requested the documents, but rather that Oracle simply refuses to produce them. This refusal reveals a fundamental misunderstanding of what is discoverable in this litigation, as will be addressed more fully below.

Each of the queries and your objections are addressed in turn.

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Query Nos. 1-6

In an effort to address the concerns raised by your letter, Rimini will agree to narrow the search terms described below. The revised queries have been further tailored to return document likely to contain relevant information. Moreover, each of these queries will produce documents that are relevant to various issues in this case, including damages, causation, and Rimini's equitable defenses.

<p>1. Original:</p> <p>NEAR(mainten%=support%, threat%=risk%=intel%=compet%, 20, FALSE)</p> <p>Proposed:</p> <p>NEAR(mainten%=support%, threat%=risk%=intel%=compet%, 7, FALSE)</p> <p>Oracle objected that the original query is overbroad and unduly burdensome based on its returning over 211,000 documents. The proposed revisions should greatly reduce the number of returned documents. This query will produce documents relevant to at least Oracle's claims of damages, including lost profits and reasonable royalty measures of damages.</p>
<p>2. Original:</p> <p>NEAR(mainten%=support%, profit%=margin%=revenue%=fee%=cash%=money%, 10, FALSE)</p> <p>Proposed:</p> <p>NEAR(mainten%=support%, profit%=margin%, 5, FALSE)</p> <p>Oracle objected that the original query is overbroad and unduly burdensome based on its returning over 570,000 documents. The proposed revisions should greatly reduce the number of returned documents. This query will produce documents relevant to at least Oracle's claims of damages, including lost profits and reasonable royalty measures of damages.</p>
<p>3. Original:</p> <p>NEAR(off=expir%=cancel%=renew%, mainten%=support%, 4, FALSE)</p> <p>Proposed:</p> <p>NEAR({off}, mainten%=support%, 4, TRUE)</p> <p>Oracle objected that the original query is overbroad and unduly burdensome based on its returning over 718,000 documents. The proposed revisions should greatly reduce the number of returned documents. This query will produce documents relevant to at least Oracle's claims involving damages and causation.</p>

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4. Original:

NEAR(download%=dl%=copy%, authoriz%=unauthoriz%=infring%=breach%=breach%=improp%, 10, FALSE)

Proposed:

NEAR(download%=copy%, authoriz%=unauthoriz%=infring%=breach%=breach%=improp%, 8, FALSE)

Oracle objected that the original query is overbroad and unduly burdensome based on its returning over 56,745 documents. The proposed revisions should greatly reduce the number of returned documents. This query will produce documents relevant to Oracle's claims involving damages and causation. The query will also produce documents relevant to at least Rimini's equitable defenses.

5. Original:

(hqapp%) AND (maint% OR support%)

Proposed:

(hqapp%) AND NEAR(maint%=support%, off=cancel=renew=modif%=amend%, 7, FALSE)

Oracle objected that the original query is overbroad and unduly burdensome based on its returning over 170,000 documents. The proposed revisions should greatly reduce the number of returned documents. This query will produce documents relevant to at least Oracle's claims involving damages and causation. The query will also produce documents relevant to at least Rimini's equitable defenses.

6. Original:

NEAR(licens%=contract%=agreem%, access%=authorize%=unauthoriz%=exceed=violat%=proper%=improper%=scope=breach%=breach%, 10, FALSE)

Proposed:

NEAR(licens%, authoriz%=unauthoriz%=exceed%=excess%=beyond, 6, FALSE)

Oracle objected that the original query is overbroad and unduly burdensome based on its returning over 176,000 documents. The proposed revisions should greatly reduce the number of returned documents. This query will produce documents relevant to at least Oracle's claims involving damages and causation. The query will also produce documents relevant to at least Rimini's equitable defenses.

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Query Nos. 7-10

We do not agree that Query Nos. 7-10 are overbroad or unduly burdensome. Rather, the queries have been appropriately formulated to exclude irrelevant documents, as is evidenced by the use of proximity searching and the relatively small number of documents located. Each query is addressed in turn below.

7. Original:

NEAR(mainten%=support%,breach%=breach%=violat%=infring%,10,FALSE)

Oracle objected that this query is overbroad and unduly burdensome based on its returning over 14,200 documents. This is far from an unreasonable number of documents. This query will likely produce documents relevant to at least Oracle's damages claims, including documents reflecting the economic harm to Oracle, if any, allegedly caused by practices such as those allegedly employed by Rimini.

8. Original:

NEAR(restrict%=block%, access%, 5, FALSE)

Oracle objected that this query is overbroad and unduly burdensome based on its returning over 16,500 documents. This is far from an unreasonable number of documents. This query will produce documents relevant to Oracle's computer hacking and damages claims, including documents reflecting the damage, if any, to Oracle's servers caused by web crawlers or other automated access means. This query may also produce documents relevant to Rimini's equitable defenses.

9. Original:

NEAR(number=many, copi%=copy%, 5, FALSE)

Oracle objected that this query is overbroad and unduly burdensome based on its returning over 16,000 documents. This is far from an unreasonable number of documents. This query will likely produce documents relevant to at least Oracle's damages claims, including documents reflecting the economic harm to Oracle, if any, allegedly caused by practices such as those allegedly employed by Rimini.

10. Original:

(hqapp%) AND (((third part%) OR (3rd part%) OR (third-part%) OR (3rd-part%) OR (thirdpart%) OR (3rdpart%))

Proposed:

(hqapp%) AND NEAR(maint%=support%, (((third part%) OR (3rd part%) OR (third-part%) OR (3rd-part%) OR (thirdpart%) OR (3rdpart%))), 10,

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FALSE)

Oracle objected that this query is overbroad and unduly burdensome based on its returning over 26,700 documents. This is far from an unreasonable number of documents. Nevertheless, Rimini has further tailored the query, as reflected above. The revised query is drafted to return documents that are likely to be relevant to Oracle's lost profits claim. Specifically, the query will return documents reflecting the nature of the market for third party support and maintenance by third party vendors. The nature of this market is unquestionably relevant to Oracle's lost profits claims, and the revised query is neither overbroad nor unduly burdensome.

Query Nos. 11-19

While we do not agree that these queries are overbroad or unduly burdensome, in an effort to compromise Rimini will agree to withdraw Query Nos. 11, 12, 13, 18 and 19. Additionally, Rimini will agree to revise Query Nos. 14-15 and 17 in an effort to reduce the number of documents located. Each query is addressed below.

11. Withdrawn.
12. Withdrawn.
13. Withdrawn.
<p>14. Original:</p> <p>NEAR(physic%=locat%=plac%=site, install%=host%=licens%=contract%, 10, FALSE)</p> <p>Proposed:</p> <p>(licens%) AND</p> <p>NEAR(location%=plac%=site=offsite=remote,install%=host%=copy%=copi%, 6, FALSE)</p> <p>Oracle objected that the original query is overbroad and unduly burdensome based on its returning over 154,000 documents. The above revisions should greatly reduce the number of returned documents. This query will produce documents relevant to at least Oracle's breach of contracts claims and damages allegations. Specifically, the query will return documents reflecting Oracle's statements regarding and enforcement of the site and copy restrictions allegedly breached by Rimini and its clients. The query will also produce documents relevant to Rimini's equitable defenses, including documents reflecting Oracle's awareness of longstanding industry practices and norms of third party support and consulting vendors.</p>

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15. Original:

NEAR(dev%=production%=nonproduction%=non-production%=site=offsite,
envir%=copy%, 5, FALSE)

Proposed:

(licens%) AND
NEAR(dev%=production%=nonproduction%=non-production%=site=offsite,
envir%=copy%, 5, FALSE)

Oracle objected that the original query is overbroad and unduly burdensome based on its returning over 66,000 documents. The above revisions should greatly reduce the number of returned documents. This query will produce documents relevant to at least Oracle's breach of contracts claims and damages allegations. Specifically, the query will return documents reflecting Oracle's statements regarding and enforcement of the site and copy restrictions allegedly breached by Rimini and its clients. The query will also produce documents relevant to Rimini's equitable defenses, including documents reflecting Oracle's awareness of longstanding industry practices and norms of third party support and consulting vendors.

16. Original:

NEAR(host%, envir%=copy%, 5, FALSE)

Oracle objected that the original query is overbroad and unduly burdensome based on its returning over 13,000 documents. As noted above, this is not an unreasonable number of documents. This query will produce documents relevant to at least Oracle's breach of contracts claims and damages allegations. Specifically, the query will return documents reflecting Oracle's statements regarding and enforcement of the site and copy restrictions allegedly breached by Rimini and its clients. The query will also produce documents relevant to Rimini's equitable defenses, including documents reflecting Oracle's awareness of longstanding industry practices and norms of third party support and consulting vendors.

17. Original:

(hqapp%) AND (envir% OR production% OR non-production% OR
(nonproduction%) OR host% OR offsite OR (off site) OR devel%)

Proposed:

(hqapp%) AND NEAR(envir%=host%=offsite=copy=version,
nonproduction%=non-production%=devel%, 5, FALSE)

Oracle objected that the original query is overbroad and unduly burdensome based on its returning over 83,000 documents. The above revisions should greatly reduce the number of returned documents. This query will produce documents relevant to at least Oracle's breach of contracts claims and damages allegations.

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Specifically, the query will return documents reflecting Oracle's statements regarding and enforcement of the site and copy restrictions allegedly breached by Rimini and its clients. The query will also produce documents relevant to Rimini's equitable defenses, including documents reflecting Oracle's awareness of longstanding industry practices and norms of third party support and consulting vendors.

18. Withdrawn.

19. Withdrawn.

Query Nos. 20-23

You assert that "Query Nos. 20-23 appear designed to locate documents that are not responsive to any Rimini document request to which Oracle has agreed to produce documents and that are, in any event, irrelevant to the issues in the case." As a preliminary matter, Query Nos. 20-23 would certainly yield documents relevant to damages and causation, and at least Rimini's Requests for Production Nos. 17, 18, 45-49, 55-58, 60, 69, 71-74, 76-77, 79 and/or 81. The basis for your refusal to produce these documents thus seems to be that Oracle simply has not agreed to produce them.

Each of Query Nos. 20-23 is directed to third parties (including Oracle partners) that provide or have provided maintenance and/or support services for the relevant Oracle products. Accordingly, discovery related to these third parties is directly relevant to the issues of damages and causation. The fact that these support and maintenance options exist in the market indicates that Oracle customers would have left Oracle regardless of the activities of Rimini Street. As such, discovery into the third parties (including Oracle partners) that provide support services is directly relevant to the element of causation of Oracle's alleged lost profits. For example, Oracle may have anticipated that those customers would pursue other support vendors regardless of whether Rimini was in business. We particularly note that Oracle sought discovery from Rimini in its litigation with SAP/TN, alleging the relevance of Rimini's practices to the lost profits issues in that case. Likewise, Rimini is entitled to discovery regarding support customers Oracle lost to other third party support providers so as to combat arguments that Oracle would have retained all the customers it lost to Rimini *but for* Rimini providing third party support services.

The fact that certain third party support vendors, such as CedarCrestone, have a contractual "partnership" agreement with Oracle does not change the lost profits analysis, as the profits attributable to CedarCrestone's customers are still "lost" to Oracle. Discovery into Oracle "partners" that provide service and support services is further justified because these partners apparently pay for the right to access Oracle's software and support materials. The amount they pay and the applicable terms and conditions are therefore relevant to the evaluation of any reasonable royalty damages. To the extent

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Oracle allows its partners to access to its software and support materials to provide support, any consideration given may be relevant for purposes of assessing an appropriate royalty.

Consistent with the foregoing, we have revised Query Nos. 21-23 to further tailor the queries to the relevant issues in this case.

20. Original:

NEAR(partner%, mainten%=support%, 4, FALSE)

This query, as originally proposed, is tailored to return documents that are highly relevant to this matter, as detailed above.

21. Original:

(williams lea)

Proposed:

“williams lea” AND (contract=agreement=host%=mainten%=support)

The above revisions should narrow the returned documents to those that are highly relevant to this matter, as detailed above.

22. Original:

(cedarc%)

Proposed:

cedarc% AND (contract=agreement=host%=mainten%=support)

The above revisions should narrow the returned documents to those that are highly relevant to this matter, as detailed above.

23. Original:

(accenture%)

Proposed:

accenture% AND (contract=agreement=consult%=host%=mainten%=support%)

The above revisions should narrow the returned documents to only those that are highly relevant to this matter, as detailed above.

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Query Nos. 24-26

Rimini will agree to narrow or withdraw Query Nos. 24-26 as detailed below.

<p>24. Original:</p> <p>NEAR(%site%, bot%=robot%=crawl%=spider%=scrap%, 10, FALSE)</p> <p>Proposed:</p> <p>(crawl%) OR (bot) OR (bots) OR (robot%) OR (scrape%) OR (scrap%) OR (spider%)</p> <p>The proposed query should narrow the number of documents to address your concerns.</p>
25. Withdrawn.
26. Withdrawn.

Proposed List of Additional Queries

While we do not agree that the additional proposed queries are duplicative or overbroad, we are agreeable to your proposed list of additional queries as an addition to the proposed queries outlined above.

That being said, we are concerned by your statement that “the only relevant documents that they could possibly return would also contain either the word Rimini, Ravin, Rimini’s IP address and/or the name of a relevant customer.” Oracle seems to have a fundamental misunderstanding of what is relevant to this litigation.

First, as discussed above, documents related to other third party support and/or maintenance providers are relevant to the issue of damages and causation in this litigation. Oracle is surely aware of this fact, as such issues were litigated in the *TomorrowNow* matter, wherein discovery into the practices of Rimini and CedarCrestone was ordered by the Courts.

Further, contrary to your assertions, relevant documents are not restricted to those that directly reference Rimini and/or its clients. In addition to the issue of lost profits and causation noted above, you assert harm and costs related to your servers, which renders the functioning and costs of those machines outside of Rimini’s activities relevant. Oracle asserts, as a basis for its tortious interference claim, that Oracle has an “expectancy in continuing and advantageous economic relationships with current and prospective purchasers and licensees of Oracle’s support services and software,” which

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renders Oracle's ongoing relationships with its current and prospective customers relevant. Many of Oracle's claims require establishing causation, which again renders non-Rimini activities relevant. Rimini asserts, among other things, the defense of implied license, which renders industry knowledge and customs related to Oracle's copyrighted works, and Oracle's knowledge thereof, relevant.

In short, your position that any non-Rimini activity is irrelevant to this litigation is simply wrong. As such, we request that you confirm that Oracle will produce all discoverable documents, including those that do not directly reference Rimini, Ravin, Rimini's IP addresses and/or Rimini's clients.¹ Please review the list of revised queries and let us know if they acceptably narrow the generated results.

Sincerely,

/s/Robert H. Reckers

¹ You assert similar positions throughout your Responses to Rimini Street's Second Set of Requests For Production of Documents. Please confirm that Oracle's production in response to these Requests will likewise not be limited to documents directly referencing Rimini, Ravin, Rimini's IP address, and/or the name of a relevant customer.

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